

REMARKS

The Office Action mailed August 3, 2005, has been received and reviewed. By the present Response, Claims 1, 5, 6, 9, and 15 are amended, Claims 22-24 are withdrawn, and new Claims 25-27 are added. Currently pending in the application, then, are Claims 1-21 and 25-27, of which Claims 1, 6, 9, and 15 are independent. No new matter has been introduced by this Response.

Election/Restriction

Claims 22-24 are withdrawn, without traverse and without prejudice.

Claim Rejections Under 35 USC § 102

Claims 1-5, 11-15, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Stratienko (USPN 3,578,876). The rejections of these claims are traversed.

Claims 1 and 15 of the present invention define *the blades of the inner rotor being at least partially within the outer hollow member* when the blades rotate in the first combining mode. And the inner rotor is rotationally driven but *the outer hollow member is not rotationally driven* in the first combining mode, while the outer hollow member is rotationally driven in the second combining mode. In this way, the blades of rotor are rotated within the hollow member to perform high-shear homogenizing in the first combining mode, while the exterior fins on the hollow member are rotated to perform low-shear mixing in the second combining mode.

On the other hand, the Stratienko device has a first set of paddles and a second set of identical paddles, with *none of the paddles positioned within the hollow main shaft*. Instead, all of the paddles have the same radial position, with the first and second sets of paddles having different elevations (different axial positions). So the device can be operated to rotate both the first and second sets of paddles for both upper and lower region combining, or the second inner shaft can be decoupled and the device can then

be operated to rotate only the first set of paddles for upper region mixing only. Thus, *in both operational modes, the outer hollow main shaft is rotationally driven.* And in both the first and second modes the device performs the same type of mixing operation, just in a larger or smaller space.

Furthermore, Claim 15 defines an interlock assembly that restricts rotation of the outer hollow member in the first combining mode. Contrarily, in the Stratienko device the outer hollow main shaft is rotationally driven in both operational modes.

For these reasons, Claims 1 and 15 are believed to be in condition for allowance. Claims 2-5, 11-14, and 19-21 are dependent from Claims 1 and 15, so they too are in condition for allowance. It should be noted that the only amendment to Claim 15, changing "within" to "at least partially within," broadens the scope of the claim.

In addition, Claim 2 defines an interlock assembly that permits *the inner rotor to rotate independently* of the outer hollow member in the first combining mode, and that interlocks the outer hollow member and the inner rotor so they *rotate together in the second combining mode.* Contrarily, in the Stratienko device the outer hollow main shaft and the inner shaft *rotate together in the first mode* and the *outer hollow main shaft rotates independently* of the inner shaft in the second mode.

Claim 4 recites an interlock assembly (discussed above with respect to Claim 15) that restricts rotation of the outer hollow member in the first combining mode. Contrarily, in the Stratienko device the outer hollow main shaft is rotationally driven in both operational modes.

Claim 5 is amended to better define the one-way bearing as permitting rotation in a first rotary direction but not in a second opposite rotary direction. No such bearing is disclosed or suggested by the known prior art.

Claim 19 recites that same subject matter of allowable Claim 9. So Claim 19 is believed to be allowable.

For these additional reasons, these dependent claims are believed to be in condition for allowance.

New Claims 25-27 recite detailed features of the present invention that are not found in the Stratienko device or any other known prior art. These features are generally addressed in the discussion above, so additional remarks are not included.

Allowable Subject Matter

Claims 6-8, 9-10, and 16-18 are objected to as being dependent on a reject base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 is rewritten in independent form to include all of the elements of base Claim 1 and intervening Claims 2 and 5, so Claim 6 is now in condition for allowance. Claims 7 and 8 depend from Claim 6, so these claims too are now in condition for allowance.

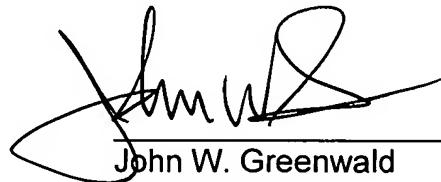
Claim 9 is rewritten in independent form to include all of the elements of base Claim 1, so Claim 9 is now in condition for allowance. Claim 10 depends from Claim 9, so this claim too is now in condition for allowance.

Claims 16-18 depend from Claim 15, which is believed to be allowable for the reasons pointed out herein. So Claims 16-18 have not been amended.

CONCLUSION

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, the Applicant requests early and favorable action. Should there be any further questions, the Examiner is urged to telephone the Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,
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